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DISTRICT COURT - PRBA Fifth Judicial District County of Twin Falls-State of Idaho OCT 23 2025 By _____ 
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Attorneys for the Nez Perce Tribe

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

IN RE: PRBA

CASE NO. 59576

Subcase No.: 87-12164

AFFIDAVIT OF ALLISON LEBEDA

I, Allison Lebeda, certify:

1. My name is Allison Lebeda and I am employed as the Water Rights Program Coordinator for the Nez Perce Tribe ("Tribe"). The facts contained in this affidavit are within my own knowledge and are true and correct.

2. On September 24, 2025, one of my staff and I conducted a site visit for the spring identified in the Tribe's Notice of Provisional Claim No. 87-12164 ("Claim") on Latah County Parcel Number RP40N04W111201 owned by Bennett Lumber Products, Inc. ("Bennett Lumber") in accordance with the methodology documented in my Provisional Springs Expert Report dated April 2025. I prepared this expert report for the Tribe in the Palouse River Basin Adjudication.

3. The point of diversion ("POD") associated with the Claim is located approximately 17 yards from the Bennett Lumber's northern property line associated with Township 40N, Range 04W, Section 11, and Quarter-Quarter NWNW.

4. During the September 24, 2025 field visit, we did not find evidence that the spring described in the Claim is located at the POD identified.

5. From the property boundary on the parcel owned by Bennett Lumber, we visually identified Baltic Rush *Juncus balticus* – a facultative wetland plant species – approximately 20

yards north of the Bennett Lumber property line and believed to be located on Latah County Parcel Number RP40N04W026001 in Township 40N, Range 04W, Section 2, and Quarter-Quarter SWSW, which is owned by Myron R. Emerson.

a. As defined in my expert report, facultative wetland plants are usually – estimated 67-99% probability – found in wetlands. Wetlands are comprised of 1) wetland vegetation, 2) hydrology indicators, and 3) hydric soil criteria. As we observed a facultative wetland plant species, it is likely that other wetland indicators (i.e., surface water, hydric soils) are present on Mr. Emerson's property, which would support the presence of a spring. It is my professional opinion that perennial water is present on Mr. Emerson's property, which supports the presence of Baltic Rush.

b. Furthermore, we observed distinct channelization from the Bennett Lumber property down to the area on Mr. Emerson's property where we saw Baltic Rush. Distinct channelization and facultative wetland plants were present at 12 of the 13 provisional claims described in my expert report.

c. Finally, in his April 2025 expert report prepared for the Tribe in the Palouse River Basin Adjudication, Mario Battaglia confirmed the accuracy of the mapping process by cross-checking the spring's location between the surveyor's field notes and plat maps. Battaglia quantified a margin of error radius up to 0.10 miles around the spring's location. For reference, 0.10 miles equates to approximately 176 yards. All 13 of the verified springs detailed in my expert report – and the Baltic Rush observed on Mr. Emerson's property – are all well within this 0.10 mile margin of error buffer.

6. Given the proximity of the facultative wetland plant species to the Claim, distinct channel, and the buffer described in Mario Battaglia's expert report, a site investigation is necessary to confirm or deny the presence of a spring on Mr. Emerson's property. I believe that the spring associated with the Claim, if it still exists, is present on Mr. Emerson's property.

7. After completing our site visit at the Bennett Lumber property, we stopped by Mr. Emerson's residence located at 1030 Boller Road in Potlatch, Idaho. We met with Mr. Emerson's wife, explained that the Tribe had sent letters to their address in 2024 and 2025 requesting access to the Emerson parcel described above for purposes of verifying the presence or absence of a spring. She mentioned they have been traveling and experiencing trouble receiving mail. We gave her a copy of one of the letters previously sent to the Boller Road address.

CERTIFICATION UNDER PENALTY OF PERJURY

I certify under penalty of perjury pursuant to the law of the State of Idaho that the foregoing is true and correct.

DATE: 10-23-2025

Allison Lebeda

Typed/Printed Name



Signature

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on October 23, 2025, I filed a true and correct copy of the AFFIDAVIT OF ALLISON LEBEDA via facsimile to the Clerk of the District Court at the address listed below.

CLERK OF THE DISTRICT COURT
Palouse River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707
Fax: (208) 736-2121

I FURTHER CERTIFY that on October 23, 2025, Native American Rights Fund legal staff served a true and correct copy of the foregoing by the methods indicated below:

IDWR DOCUMENT DEPOSITORY P.O. BOX 83720 BOISE, ID 83720-0098	☒ U.S. First Class Mail, Postage Prepaid ☐ Hand-Delivered ☐ Overnight Delivery ☐ Facsimile ☒ E-mail: Lacey.Rammell-OBrien@idwr.idaho.gov
U.S. DEPARTMENT OF JUSTICE ENVIRONMENT & NATURAL RESOURCES DIVISION P.O. BOX 7611 BEN FRANKLIN STATION WASHINGTON, D.C. 20044-7611	☐ U.S. First Class Mail, Postage Prepaid ☐ Hand-Delivered ☐ Overnight Delivery ☐ Facsimile ☒ E-mail: emmi.blades@usdoj.gov hillary.hoffman@usdoj.gov
CHIEF, NATURAL RESOURCES DIVISION OFFICE OF THE ATTORNEY GENERAL P.O. BOX 83720 BOISE, ID 83720-0010	☐ U.S. First Class Mail, Postage Prepaid ☐ Hand-Delivered ☐ Overnight Delivery ☐ Facsimile ☒ E-mail: David.Perkins@ag.idaho.gov rowdy.keller@ag.idaho.gov
POTLATCH TRS IDAHO, LLC, POTLATCHDELTIC FOREST HOLDINGS, INC., POTLATCHDELTIC LAND AND LUMBER LLC Represented by: MICHAEL P LAWRENCE	☐ U.S. First Class Mail, Postage Prepaid ☐ Hand-Delivered ☐ Overnight Delivery ☐ Facsimile ☒ E-mail: mpl@givenspursley.com

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By 